

JOINT NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency
Region 9 (WTR-5)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1914

Environmental Quality Commission
American Samoa Government
Pago Pago, American Samoa 96799
(684) 633-2304

Public Notice No. PI-00-W-32

Date: October 30, 2000

The Environmental Protection Agency (EPA), Region 9, San Francisco, California and the American Samoa Environmental Quality Commission, Pago Pago, American Samoa are jointly issuing the following notice of proposed action under the Clean Water Act (CWA).

The Environmental Protection Agency, San Francisco, California has received complete applications for National Pollution Discharge Elimination Systems (NPDES) permits and has prepared tentative determinations regarding the permits.

On the basis of a review of the requirements of the CWA, as amended, the implementing regulations, the Regional Administrator, EPA Region 9, proposes to reissue NPDES permits to the following applicants, subject to certain effluent limitations and other conditions:

StarKist Samoa, Inc.
P.O. Box 368
Pago Pago, American Samoa 96799
NPDES Permit No. AS0000019

and COS Samoa Packing, Inc.
P.O. Box 957
Pago Pago, American Samoa 96799
NPDES Permit No. AS0000027

StarKist Samoa and COS Samoa Packing Company operate tuna canneries on Tutuila Island, American Samoa. The canneries receive whole tuna which is processed into canned tuna and dried fish meal. Waste streams from these canneries consist mainly of fish waste, fresh water, and sea water which are treated by the Dissolved Air Flootation (DAF) process. The process waste streams from both canneries are discharged into Pago Pago Harbor.

Under proposed permit conditions, both canneries are required to meet final effluent limits for temperature, suspended solids, oil and grease, pH, nitrogen, phosphorus, ammonia, zinc, and copper. The proposed permits require that both canneries shall meet stringent final effluent limits that are based on American Samoa Water Quality Standards for Pago Pago Harbor. EPA has made a preliminary determination that the proposed permit would have no effect on any federally-listed threatened or endangered species.

The Administrative Records for the draft permits, which include the applications, draft permits, fact sheets, and all data sent by the applicant for the permits, are available for public inspection. The administrative records may be viewed Monday through Friday from 9:00 am until 4:00 pm at the EPA address below. A copy of these documents may be obtained by calling (415) 744-1914 or writing to the address listed below.

Persons wishing to comment upon the draft permit or request a public hearing pursuant to 40 CFR 124.12 should submit their comments or requests in writing within 30 days from the date of this notice, either in person or by mail to:

U.S. Environmental Protection Agency, Region 9
Clean Water Act Standards and Permits Office (WTR-5)
Attn: Sara Roser
75 Hawthorne Street
San Francisco, California 94105
Telephone: (415) 744-1914

Copies of the applications, draft permits, and fact sheets are also available for public review Monday through Friday from 8:00 am to 4:00 pm at the following office:

Environmental Quality Commission
American Samoa Government
Pago Pago, American Samoa 96799

Contact Person: Togipa Tausaga, Director

The Environmental Quality Commission is reviewing the draft permits and may:

1. certify the draft permits without comments; or
2. certify the draft permits and impose conditions more stringent than those contained therein; or
3. deny the certification of the draft permits.

All comments submitted within 30 days from the date of this notice will be considered in the formulation of the final permit. If the response to this notice indicates a significant degree of public desire for a public hearing, the Regional Administrator shall hold one in accordance with 40 CFR 124.12. A public notice of such hearing will be issued at least 30 days prior to the hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

If the draft permits become final, and there are no appeals, discharge from and operation of the identified facilities may proceed or continue, subject to the conditions of the permits and other applicable permits and legal requirements.

EPA will prepare and issue a final permit after reviewing all comments received during the public comment period. If no comments are submitted on the draft permit, the final permit will become effective three (3) days from the date of mailing. If comments are submitted on the draft permit, the final permit will become effective 33 days from the date of mailing, unless a petition is filed with the Environmental Appeals Board (EAB) to review any conditions of the final permit under 40 CFR 124.19(a), as revised at 65 Fed. Reg. 30886, 30911 (May 15, 2000). A copy of such petition should be sent to the EPA address listed above.

As stated in newly-revised 40 CFR 124.19(a), within 33 days after EPA issues the final permit, any person who filed comments on the draft permit or participated on the public hearing may petition the EAB to review any condition of the permit decision. Any person who failed to file comments or failed to participate in a public hearing on the draft permit may petition for administrative review only with regard to changes made from the draft permit to the final permit.

The petition shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and, when appropriate, a showing that the condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous; or (2) an exercise of discretion or an important policy consideration which the EAB should, in its discretion, review. Under 40 CFR 124.16 and 124.60, a petition for review under 40 CFR 124.19 stays the force and effect of the contested conditions of the final permit until final agency action under 40 CFR 124.19(f).

Please bring the foregoing notice to the attention of all persons you know would be interested in this matter.